

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
)
Carlo EFFENHAUSER et al.) Before the Examiner
) Szmal, Brian Scott
Application No. 09/943,080)
) Group Art Unit
Filed August 30, 2001) 3736
)
SYSTEM FOR WITHDRAWING)
SMALL AMOUNTS OF BODY)
FLUID) August 22, 2005

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT

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PO Box 1450
Alexandria, VA 22313-1450

08/25/2005 EFLORES 00000083 09943080
02 FC:1806

180.00 0P

Sir:

1. List of All Patents, Publications, U.S. Applications, or Other Information

Pursuant to the provisions of 37 CFR 1.56, 1.97, and 1.98, Applicant requests consideration of the references listed on the attached PTO/SB/08 form(s) (commonly referred to as a PTO-1449 form) and/or the additional information identified below.

2. Enclosed Legible Copies

a. A legible copy of each foreign patent document and publication listed on the PTO/SB/08 form is enclosed,

☐ i. except, a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior U.S. Patent Application Serial No. _____, filed _____ from which the present application claims priority under 35 U.S.C. §120.

☐ ii. except, a copy is not provided for each cumulative reference and enclosed reference identified below:

☐ b. A copy of the specification and drawings for each cited unpublished U.S. application.

☐ c. A copy of a Search Report or Written Opinion from a foreign patent office is also enclosed.

☐ d. Consideration of the enclosed additional and/or below discussed information is requested.

3. Concise Explanation of Relevance for Non-English Language Information

For each non-English language reference listed on the attached SB/08 form(s), reference is made to:

- ☒ 3a. an English language translation submitted herewith,
- ☐ 3b. foreign patent office Search Report (in the English language) submitted herewith,
- ☐ 3c. an English language translation of a foreign patent office Search Report submitted herewith,
- ☐ 3d. the concise explanation contained in the present application at page(s) _____,
- ☒ 3e. the concise explanation set forth in the attached English language abstract,
- ☒ 3f. a copy of a related patent publication (in the English language) cited herewith,

Foreign Patent Document	Corresponding English Language Patent Document
DE 197 53 849 A1	US 6,592,815
DE 35 15 420 A1	Abstract
EP 0 565 970 B1	Abstract
EP 1 034 740 A1	US 2002/0169470
EP 1 035 921 B1	Abstract
FR 2 590 673	Translation
JP 02-120655	Abstract
JP 04-194660	Translation
JP 09-08781	Abstract
JP 09-089885	Abstract
JP 09-168530	Abstract
JP 09-285459	Abstract
JP 09-294737	Abstract
WO 02/056769 A1	US 2003/0144608 A1
WO 91/06855	Translation

- ☐ 3g. the following concise explanation:

4. Time for Filing

- ☐ 4a. This Information Disclosure Statement is submitted:
- ☐ i. for U.S. national applications or national stage PCT applications (not including CPAs and RCEs), within 3 months of filing or entry into national stage; or
- ☐ ii. for U.S. national applications, national stage PCT applications, CPAs or RCEs, before the first Office Action on the merits,

and thus no certification and/or fee is required.

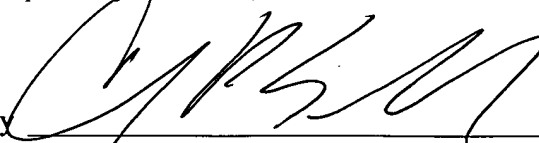
- ☒ 4b. This information Disclosure Statement is submitted after three months from the filing date and after the first Office Action on the merits, but prior to the mailing date of a final Office Action or Notice of Allowance, and thus:
- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, or
- ☒ ii. a fee of \$180.00 (set forth in 37 CFR §1.17(p)) is enclosed.
- ☐ 4c. This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:
- ☐ i. the statement specified in 37 CFR §1.97(e) is provided below, and a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed, or
- ☐ ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.
- ☐ 4d. This Information Disclosure Statement is submitted after payment of the issue fee, and thus:
- ☐ i. a Petition to Withdraw from Issue pursuant to 37 CFR §1.313(c)(2) has been filed, and
- ☐ ii. a Request for Continued Examination (RCE) and fee of 37 CFR §1.17(e) has been filed.

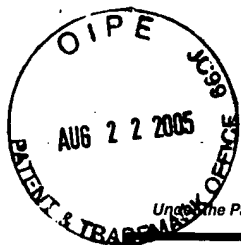
5. Certification- Statement Under 37 CFR 1.97(e)

- ☐ 5a. It is hereby certified that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ 5b. A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.
- ☐ 5c. It is hereby certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By 
Charles P. Schmal, Reg. No. 45,082
Woodard, Emhardt, Moriarty, McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



PTO/SB/08A (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

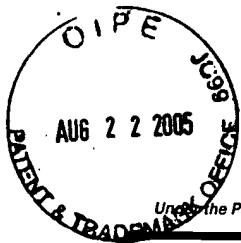
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/943,080
				Filing Date	8/30/2001
				First Named Inventor	EFFENHAUSER, HEIN, KOELKER, DECK
				Art Unit	3736
				Examiner Name	Szmal, Brian Scott
Sheet	1	of	5	Attorney Docket Number	7404-727
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		3,046,987	07-31-1962	Ehrlich	
		3,640,267	02-08-1972	Hurtig et al.	
		3,640,388	02-08-1972	Ferrari	
		3,640,393	02-08-1972	Hurtig	
		3,799,742	03-26-1974	Coleman	
		4,627,445	12-09-1986	Garcia et al.	
		4,790,979	12-13-1988	Terminiello et al.	
		4,837,049	06-06-1989	Byers et al.	
		4,873,993	10-17-1989	Meserol et al.	
		4,995,402	02-26-1991	Smith et al.	
		5,014,718	05-14-1991	Mitchen	
		5,029,583	07-09-1991	Meserol et al.	
		5,035,704	07-30-1991	Lambert et al.	
		5,054,499	10-08-1991	Swierczek	
		5,217,480	06-08-1993	Haber et al.	
		5,231,993	08-03-1993	Haber et al.	
		5,284,567	02-08-1994	Matson	
		5,290,420	03-01-1994	Matson	
		5,514,152	05-07-1996	Smith	
		5,591,139	01-07-1997	Smith et al.	
		5,636,640	06-10-1997	Staehlin	
		5,682,233	10-28-1997	Brinda	
Examiner Signature			Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08A (09-03)

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				First Named Inventor	EFFENHAUSER, HEIN, KOELKER, DECK
				Art Unit	3736
				Examiner Name	Szmal, Brian Scott
Sheet	2	of	5	Attorney Docket Number	7404-727

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code	2 (If known)			
		5,855,801		01-05-1999	Lin et al.	
		5,871,494		02-16-1999	Simons et al.	
		5,928,207		07-27-1999	Pisano et al.	
		5,938,679		08-17-1999	Freeman et al.	
		6,048,352		04-11-2000	Douglas et al.	
		6,051,392		04-18-2000	Ikdeda et al.	
		6,120,676		09-19-2000	Heller et al.	
		6,235,539	B1	05-22-2001	Carpenter	
		6,332,871	B1	12-25-2001	Douglas et al.	
		6,358,265	B1	03-19-2002	Thorne, Jr. et al.	
		6,561,989	B2	05-13-2003	Whitson	
		6,592,815		07-15-2003	Zimmer	
		6,612,111	B1	09-02-2003	Hodges et al.	
		6,783,502	B1	08-31-2004	Orloff et al.	
		6,866,675	B2	03-15-2005	Perez et al.	
		US 2002/0004196	A1	01-10-2002	Whitson	
		US 2002/0168290	A1	11-14-2002	Yuzhakov et al.	
		US 2002/0169470	A1	11-14-2002	Kuhr et al.	
		US 2002/0177763	A1	11-28-2002	Burns et al.	
		US 2003/0018282		01-23-2003	Effenhauser et al.	
		US 2003/0028087	A1	02-06-2003	Yuzhakov et al.	
		US 2003/0028125	A1	02-06-2003	Yuzhakov et al.	

Examiner Signature		Date Considered	
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		US 2003/0050573 A1	03-13-2003	Kuhr et al.	
		US 2003/0144608 A1	07-31-2003	Kojima et al.	
		US 2003/0171699 A1	09-11-2003	Brenneman	
		US 2003/0211619 A1	11-13-2003	Olson et al.	
		US 2003/0212344 A1	11-13-2003	Yuzhakov et al.	
		US 2003/0212345 A1	11-13-2003	McAllister et al.	
		US 2003/0212346 A1	11-13-2003	Yuzhakov et al.	
		US 2003/0212347 A1	11-13-2003	Sohrab	
		US 2003/0223906 A1	12-04-2003	McAllister et al.	
		US 2004/0096959 A1	05-20-2004	Stiene et al.	
		US 2004/0106941 A1	06-03-2004	Roe et al.	
		US 2004/0127818 A1	07-01-2004	Roe	
		US 2004/0127819 A1	07-01-2004	Roe et al.	
		US 2004/0186394 A1	09-23-2004	Roe et al.	
		US 2004/0193072 A1	09-30-2004	Allen	
		US 2004/0193202 A1	09-30-2004	Allen	
		US 2004/0236250 A1	11-25-2004	Hodges et al.	
		US 2005/0033341 A1	02-10-2005	Vreeke et al.	
		US 2005/0139489 A1	06-30-2005	Davies et al.	

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	09/943,080		
				Filing Date	8/30/2001		
				First Named Inventor	EFFENHAUSER, HEIN, KOELKER, DECK		
				Group Art Unit	3736		
				Examiner Name	Szmaj, Brian Scott		
Sheet	4	of	5	Attorney Docket Number	7404-727		
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite 1 No.	Foreign Patent Document Country Code ² Number ³ Kind Code ⁵ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁶
		DE 197 53 849		06-10-1999	Roche Diagnostics		✓
		DE 35 15 420	A1	10-30-1986	Fischer et al.		✓
		EP 0 127 958	A2	05-08-1984	Genetics Internation		
		EP 0 199 484	B1	10-29-1986	Audio Bionics Inc.		
		EP 0 565 970	B1	06-07-1994	Boehringer Mannhei		✓
		EP 0 723 418	B1	07-31-1996	Integ Incorporated		
		EP 1 034 740	A1	09-13-2000	Roche Diagnostics		✓
		EP 1 035 921	B1	09-20-2000	Roche Diagnostics		✓
		EP 1 285 629	A1	02-26-2003	MATSUSHITA EL		
		EP 1 374 770	A1	01-02-2004	Bayer Healthcare, L		
		FR 2 590 673		05-29-1987	Bally		✓
		JP 02-120655		05-08-1990	NOK Corp		✓
		JP 04194660	A1	07-14-1992	Omron Corp		✓
		JP 09084781		09-20-1995	Dainippon Printing		✓
		JP 09-089885		04-04-1997	Dainippon Printing		✓
		JP 09-168530		06-03-1997	Dainippon Printing		✓
		JP 09-285459		11-11-1997	Casio Computers		✓
		JP 09-294737		11-11-1997	Dainippon Printing		✓
		WO 01/72220	A1	10-04-2001	USF Filtration & Se		
		WO 02/056769	A1	07-25-2002	MATSUSHITA EL		✓
		WO 02/49507	A1	06-27-2002	Inverness Medical L		
		WO 04/064636	A1	08-05-2004	Roche		

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Examiner Initials*	Cite ¹ No.	Foreign Patent Document Country Code ² Number ³ Kind Code ⁴ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	⁶
		WO 85/04089	A1	09-26-1985	Palmer		<input type="checkbox"/>
		WO 86/00513		01-30-1986	Palmer et al.		<input type="checkbox"/>
		WO 91/06855	A1	05-16-1991	Tittel et al.		<input checked="" type="checkbox"/>
		WO 93/09710	A1	05-27-1993	Habley		<input type="checkbox"/>
		WO 96/00614	A1	01-11-1996	Yassindazeh et al.		<input type="checkbox"/>
		WO 97/42888		11-20-1997	Douglas et al.		<input type="checkbox"/>
		WO 98/35225	A1	08-13-1998	Heller et al.		<input type="checkbox"/>

Examiner Signature		Date Considered	
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